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Attorneys for Plaintiff Jacqueline Hone

Filed

MAY 27 2008

RICHARD W. WIEKING  
CLERK OF THE DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JACQUELINE HONE,

Plaintiff,

v.

PRESIDENTE U.S.A., INC., CERVECERIA  
NACIONAL DOMINICANA, GRUPO LEON  
JIMENES, LTD., ADMINISTAFF, INC.,  
GEVITY H.R., and PHILLIP MORRIS,

Defendants.

Civil Action No. 07-5635 (HAA)(ES)

CV 08 - 80071 MISC. JF

NOTICE OF MOTION TO QUASH THE  
DISCOVERY SUBPOENA DUCES  
TECUM SERVED BY DEFENDANTS  
PRESIDENTE U.S.A., INC., and GEVITY  
H.R., ON YAHOO! FOR PLAINTIFF'S

HRL

**TO:** Eric A. Savage, Esq.  
Littler Mendelsohn  
One Newark Center – 8<sup>th</sup> Floor  
Newark, NJ 07102-5311  
Attorneys for Defendants Presidente U.S.A., Inc., and Gevity HR, Inc.

Susan R. Engle, Esq.  
Mintzer, Sarowitz, Zeris, Ledva & Meyers, LLP  
2070 Springdale Road, Suite 400  
Cherry Hill, NJ 08003  
Attorneys for Defendant Administaff, Inc.

**PLEASE TAKE NOTICE** that on a date and time to be determined by the Court,

Plaintiff Jacqueline Hone will move the United States District Court, Northern District of California, for an Order under Federal Rule of Civil Procedure 45(c)(3) quashing the discovery subpoena duces tecum by Defendants Presidente U.S.A., Inc., and Gevity HR, Inc., that was

served on the Yahoo! custodian of records on April 3, 2008, and bearing Miscellaneous case number CV 08-8007 1.

**PLEASE TAKE FURTHER NOTICE** that, in support of the within motion, Plaintiff Jacqueline Hone will rely upon the declaration of her counsel, with annexed exhibits, and legal brief.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff Jacqueline Hone requests that, if opposition is filed to this motion and the Court wishes to hear oral argument, such oral argument be conducted telephonically with the Court.

**NIEDWESKE BARBER**  
Attorneys for Plaintiff Jacqueline Hone

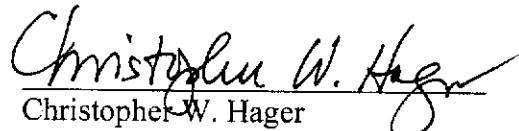
By:   
Christopher W. Hager

Dated: May 27, 2008

**DECLARATION OF SERVICE**

Christopher W. Hager, of full age, hereby declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney-at-law of the State of New Jersey and a Partner in the law firm of Niedweske Barber, attorneys for Plaintiff Jacqueline Hone. I have personal knowledge of the matters herein.
2. On May 27, 2008, I caused the following documents to be filed via overnight courier to the United States District Court, Northern District of California, in support of Plaintiff's motion:
  - a. Plaintiff's Notice of Motion to Quash the Discovery Subpoena Duces Tecum;
  - b. Declaration of Counsel, with exhibits, pursuant to 28 U.S.C. § 1746;
  - c. Legal brief; and
  - d. Proposed form of Order.
3. On May 27, 2008, I also caused the foregoing documents to be served via overnight separately addressed to Littler Mendelson, 1 Newark Center, Newark, New Jersey, attorneys for Defendants Presidente U.S.A., Inc., and Gevity H.R., and Mintzer, Sarowitz, Zeris, Ledva & Meyers, LLP, 2070 Springdale Road, Cherry Hill, New Jersey, attorneys for Defendant Administaff, Inc.
4. I hereby declare under penalty of perjury that the foregoing is true and correct.



Christopher W. Hager  
Christopher W. Hager

Dated: May 27, 2008